

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 05-13524
Non-Argument Calendar

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT MAY 8, 2006 THOMAS K. KAHN CLERK
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D. C. Docket No. 01-08715-CV-WPD

AT&T CORP.,
a New York Corporation,

Plaintiff
Counter-Defendant
Appellee,

versus

US DATA AUTHORITY, INC.,
a New York Corporation,

Defendant
Counter-Claimant
Appellant.

Appeal from the United States District Court
for the Southern District of Florida

(May 8, 2006)

Before TJOFLAT, BLACK and BARKETT, Circuit Judges.

PER CURIAM:

In this case, the district court, in an order entered January 7, 2003, Record Vol 1, at Tab 48, dismissed Counts II, III, and IV of U.S. Data's amended counterclaim – each count based on tort law – and left standing for further consideration Count I, alleging breach of contract. Then, in an order entered June 7, 2005, id. at Tab 74, granted AT&T's motion for summary judgment on Count I on the ground that the parties had settled U.S. Data's breach-of-contract claims.

U.S. Data now appeals, challenging the district court's orders of January 7, 2003, and June 7, 2005. We find no merit in its appeal. The district court properly dismissed Counts II, III, and IV for the reasons stated in its January 7, 2003 order. As for Count I, we find no error in the court's determination, in its June 7, 2005 order, that the parties had settled U.S. Data's breach of contract claims; nor do we find an abuse of discretion in the court's decision to enforce the settlement.

AFFIRMED.